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**HIGHLANDS PRESERVATION AREA
LETTER OF INTERPRETATION (LOI)
APPLICATION CHECKLIST**
(updated 08/30/04)

This checklist should be used for a request for a letter of interpretation – line verification pursuant to N.J.A.C. 7:7A – 3.4 for a property that is located within the Highlands Preservation area. Due to the enhanced regulations set forth in the Highlands Water Protection and Planning Act (Act), the line verification is the only type of LOI available within the Highlands Preservation area. The Act define Highlands Open waters as all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools. Highlands Open waters are subject to a 300-foot buffer pursuant to the Act. In addition, the Act regulates steep slopes and forested area. Therefore, a Highlands LOI will identify all of these resources.

To complete this checklist, you will need:

Attachment A: Form letter for providing certified mail notice of an application

NOTE: Please provide only one copy of each item listed on the checklist, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of the freshwater wetlands rules. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site, if the contract is contingent on the issuance of a freshwater wetlands permit. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out a project on the property. This person should be identified in the application as the agent.

NOTE: After the Department has reviewed an application for a line verification LOI the applicant must submit a survey of the Highlands Open Water boundary. The Department will then include the survey of the approved boundary in the issued Highlands LOI. The Department will not issue the Highlands LOI until the survey is submitted.

NOTE: If any portion of this site is known or suspected of having any contamination the applicant shall provide any and all information regarding said contamination to this office with the associated letter of interpretation application.

APPLICATION REQUIREMENTS:

To be deemed administratively complete, an application for a Highlands Letter of Interpretation must include all of the following items:

- ___ 1. A LURP-1 application form, completed in accordance with the directions on the form;
- ___ 2. The appropriate fee, indicated in the fee Highlands fee schedule, paid as follows:
 - The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
 - For all projects except those in the Pinelands, the fee shall be made payable to **"Treasurer, State of New Jersey"**;
 - Each check, purchase order, or money order must be marked with the name of the applicant;
- ___ 3. Proof that the public notice requirements at A and B below have been met. (Note: To prove that an item has been sent to a person, submit either the white postal receipt you receive when you send the item by certified mail, or the green certified mail return receipt card.) All of the following must be submitted:
 - ___ A. Proof that the municipal clerk has been sent a copy of the entire application that was submitted to NJDEP;
 - ___ B. Proof that a completed copy of the notice letter found in Highlands Attachment A has been sent to each of the following:
 - ___ i. The municipal environmental commission (if one exists);
 - ___ ii. The municipal planning board;
 - ___ iii. The municipal construction official;
 - ___ iv. The county planning board; and
 - ___ v. All owners of land within 200 feet of the boundary of the site (see N.J.A.C. 7:7A-1.4 for a definition of "site").
 - ___ vi. The application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality that is less than 90 days old;
- ___ 4. A copy of the appropriate portion of the U.S. Geologic Survey Quadrangle (USGS) Map for the project site and a determination of the 1983 datum for State Plane Coordinates for the center of the project. The accuracy of these Coordinates should be within 50 feet of the actual point. For linear projects, the applicant shall provide State plane coordinates for the end-points of those projects, which are 1999 feet or less, and for those projects which are 200 feet or longer, additional coordinates at each 1000-foot interval.

- ___ 5. An up to date county road map or local street map, with the site clearly indicated;
- ___ 6. A tax map, with the site clearly indicated;
- ___ 7. Original color photographs, mounted on 8½ by 11 inch paper, sufficient to show a representative sample of the vegetation on the portion(s) of the site that are affected by the Highlands LOI application. A minimum of four photographs is required;
- ___ 8. A copy of a county soil survey map, with the site clearly outlined. (soil survey maps can be obtained from the local Soil Conservation District, New Jersey Department of Agriculture). Indicate the map number on the map;
- ___ 9. A copy of all past Department approvals for activities on the site;
- ___ 10. Five folded copies of a survey or site plan, depicting the entire site, drawn at a scale of no more than one inch to 100 feet signed and sealed by a licensed surveyor. The site plan must include the following:
 - ___ A. The proposed boundaries of all Highlands Open Waters and buffers on the site must be drawn and clearly labeled on the survey or site plan;
 - ___ B. The proposed boundaries of all Highlands Open Waters must be flagged or staked on the site as follows, so that Department staff can visit the site and locate the proposed boundaries:
 - The flags or stakes must be no more than 75 feet apart and must be set in relation to identifiable points and landmarks if possible;
 - Each flag or stake must be numbered, and must be identified on the survey or site plan by its number;
 - ___ C. The location and identifying number of each soil boring. Soil borings must be taken as follows:
 - Soil borings shall be taken along a line perpendicular to the Highlands Open Waters boundary, starting in the definite Highlands Open Water area and moving towards the uplands;
 - Each soil boring must be at least eighteen inches deep, and must be deeper if necessary to provide clear evidence of the soil characteristics at that location on the site. Deeper borings are often necessary in atypical or disturbed wetlands;
 - The number of soil borings must be sufficient to provide a representative sampling of the soil on the site. The Department may require additional borings if necessary to provide a representative sampling;
 - The application must include soil logs, describing the soil characteristics at the location of each soil boring, including a description of the field indicators, or lack thereof, for hydrology as outlined in the 1989 Federal manual;
 - The application must include a description of the vegetative species on the site, recorded at each soil boring and classified using the United States Fish and Wildlife Service (USFWS) categories listed under “R/IND” and “NAT-IND” (Regional and National Indicators) columns in the “National list of Plant Species that Occur in

Wetlands: 1988-New Jersey” and amendments thereto, compiled by the USFWS, United States Army Corps of Engineers, USEPA and the USDA's Natural Resources Conservation Service;

- ___ D. Topography and include topographic contours at intervals of no more than two feet;
- ___ E. Steep Slopes as indicated by the shading of all slopes $\geq 20\%$. The percent of slope (rise in feet per horizontal run) shall be established by measurement of run perpendicular to the contours. For the purposes of this requirement, the survey or site plan must show topographic contours at intervals of no more than two feet. Therefore, any location on the site where there is a 2-foot rise over a 10-foot run constitutes a 20% slope.
- ___ F. The application shall include the name(s) and qualifications of the person(s) who prepared the material required in A through I above.
- ___ G. All forest areas. "Forested" means a site with a score equal to or greater than 16 when evaluated according to the following procedure:

- Select two 25-foot by 25-foot plots in each acre of the site as follows:
 - i. The plots shall be located in the portion of each acre with the highest density of trees based on a visual inspection;
 - ii. If any half-acre of the site has less than one tree per 100 square feet, no plots need be selected on that half-acre;
 - iii. If the tree size and density are very uniform over some or all of the site, fewer plots may be selected in the area of uniformity;
- In each plot, measure the diameter of each tree at four and one-half feet above ground;
- Score each tree as follows:

Diameter of tree	Points
2 to 4 inches	1
>4 to 12 inches	2
>12 inches	4

- Add together the scores for all of the trees in the plot;
- If the total score for a plot is equal to or greater than 16, the plot is forested. For example, if a 25-foot by 25-foot plot contains three trees which are three inches in diameter, three trees which are six inches in diameter, and three trees which are 15 inches in diameter, the score for the plot would be: $(3 \times 1) + (3 \times 2) + (3 \times 4) = 21$, and the plot is considered forested; and
- If a plot is forested, the Department shall assume that the half-acre of the site surrounding the plot is also forested, unless additional plots are sampled in that

half-acre and the scores demonstrate that the half-acre is not entirely forested. In that case, a sufficient number of plots shall be sampled to delineate the forested portion of the half-acre.

____ 11. The application shall include the name(s) and qualifications of the person(s) who prepared the material required in A through I above.